

April 26, 2019

**Via CM/ECF**

Honorable Lorna G. Schofield, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: Fenix Securities, LLC v. Axos Clearing LLC (formerly known as COR  
Clearing LLC)  
Case No.: 1:19-cv-03331 (LGS)**

Dear Judge Schofield:

We represent Fenix Securities, LLC (“Fenix”) in the above-referenced action and we write in response to Respondent Axos Clearing LLC’s (“Axos” or “Respondent”) letter to the Court dated April 25, 2019 (Dkt. No. 17).

Per Respondent’s April 25, 2019 letter, we understand that Respondent intends to file a motion to dismiss Fenix’s Petition for Injunctive Relief Pending Arbitration (the “Petition”). Had Axos’s counsel simply responded to our multiple overtures to discuss the parties’ dispute, there would not have been any need for Respondent to file its April 25, 2019 letter.

While we believe that Respondent has mischaracterized a number of the relevant facts, including the Honorable Kimba Wood’s decision, we do not believe that it is an efficient use of the Court’s time or resources for Fenix to respond to the claims set forth in Axos’s letter to the Court.

Fenix has been planning to voluntarily dismiss the Petition pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Fenix will file its notice of dismissal with the Court concurrently with the submission of this letter. Accordingly, Fenix respectfully submits that Axos’s proposed motion to dismiss is moot.

Respectfully submitted,

**EVERSHEDS SUTHERLAND (US) LLP**

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